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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,242	02/18/2004	Bernd J. Mathiske	30014200-2045	5223

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SUN MICROSYSTEMS
C/O SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

ZHE, MENG YAO

ART UNIT	PAPER NUMBER
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2195

MAIL DATE	DELIVERY MODE
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12/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/782,242	Applicant(s) MATHISKE ET AL.	
	Examiner MENG YAO ZHE	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-20, 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6, 8-20, and 22 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/2008 has been entered.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the recited "*computer readable medium*". The Specification does not mention the recited "*computer readable medium*". Thus, there is no support or antecedent basis for the recited "*computer readable media*" that allows the meaning of the terms to be ascertained, as required in 37 CFR 1.75(d)(1).

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 20 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. Claims 20 and 22 are rejected under 35 U.S.C. 101 because the claim recites “*computer readable medium*” and the specification fails to provide antecedent bases for this limitation [see objection to the specification above]. Without antecedent basis for “*computer readable medium*”, it is unclear if the limitation intended to be the same as the storage media described as part of the disclosed program product or whether it's intended to be broader than the disclosed storage media. It is believed that the limitation “*computer readable medium*” is intended to claim something broader than the disclosed storage media and cover signals, waves and other forms of transmission media, that carry instructions. Therefore, the limitation “*computer readable medium*” is not limited to physical articles or objects which constitute a manufacture within the meaning of 35 USC 101 and enable any functionality of the instructions carried thereby

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to act as a computer component and realize their functionality. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-6, 8-20, and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant claims modifying data structure format of events, which is nowhere disclosed in the specification.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-6, 12-14, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moor et al., Patent No. 7,171,663 (hereafter Moor) in view of Nitz et al., Patent No. 6,370,590 (hereafter Nitz).

11. Moor was cited in the previous office actions.

12. As per claims 1, 12, and 20, Moor teaches substantially a method of processing platform-specific events by a virtual machine (Fig 1, unit 140) that operates on a first platform, wherein said virtual machine concurrently supports a first and a second task, said method comprising:

receiving, by a virtual machine, a platform-specific event that is associated with a first platform (Column 5, lines 5-7);

one of said first and second tasks responds to the platform-specific event, wherein said responding is performed when said first and second tasks are concurrently supported by said virtual machine (Column 4, lines 43-67);

processing said platform-specific event (Column 6, lines 34-35).

Moor does not teach specifically that the virtual machine can select one of said first and second tasks as a selected task for receiving said platform-specific event and manipulating the platform-specific event by modifying its data structure to be compliant

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with a data structure format supported by said selected task, thereby to represent said platform specific event in a form that is accessible by said selected task.

However, Nitz teaches selecting one of said first and second tasks as a selected task for receiving said platform-specific event (Column 7, lines 22-39) and manipulating the platform-specific event by modifying its data structure to be compliant with a data structure format supported by said selected task, thereby to represent said platform specific event in a form that is accessible by said selected task (Abstract; Column 7, lines 40-55) for the purpose of bridging communication between applications each using different event formats.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention to combine the inventions of Moor, where the task itself in the virtual machine has to respond to the platform-specific event, with using the event control device in the virtual machine so that the event control device may select which task is to process the event and manipulating the platform-specific event by modifying its data structure to be compliant with a data structure format supported by said selected task, thereby to represent said platform specific event in a form that is accessible by said selected task, as taught by Nitz, because it allows for the selection of the correct task to receive an event that it is intended for.

13. As per claims 2, 13, and 14, Moor teaches wherein said method further comprises: providing an event-repository (Column 5, lines 18-22) and an event-handler

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for said selected task (Column 4, lines 43-44); and placing said platform-specific event in said event-repository; invoking said event-handler to initiate processing of said platform-specific event; and processing, by said event-handler, said platform-specific event (Column 4, lines 64-67; Column 5, lines 2-7, lines 19-22; Column 6, lines 34-35).

14. As per claim 3, Moor in view of Nitz substantially teaches wherein said event-handler is implemented as an event-handler thread (Moor: Column 5, lines 32-39, lines 46-50), and wherein said selection is performed by an event-manager thread (Moor: Column 1, lines 50-60).

Moor in view of Nitz does not specifically teach wherein said event-repository is implemented as a first-in first-out queue.

However it would have been obvious to use a first-in-first-out queue to implement said event-repository since it is obvious to one having ordinary skill in the art of tasks and events queuing to use a first-in-first-out queue to store and sequence events so that they may be processed in an orderly manner.

15. As per claim 4, Moor teaches wherein said platform-specific event is manipulated to be associated with a Java compliant data structure (Column 1, lines 28-29).

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16. As per claim 5, Moor teaches wherein said manipulating of said platform-specific event is performed by said virtual machine (Column 2, lines 45-47).

17. As per claims 6 and 22, Moor teaches wherein said selected task is a Java compliant MIDlet (Column 1, lines 28-29).

18. Claims 8-11 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moor et al., Patent No. 7,171,663 (hereafter Moor) in view of Nitz et al., Patent No. 6,370,590 (hereafter Nitz) further in view of Gershman et al., Patent No. 6,199,099 (hereafter Gershman).

19. As per claim 8, Moor in view of Nitz does not specifically teach a foreground task.

However, Gershman teaches a mobile system that has task running in the foreground for the purpose of interacting with a user for performing various tasks (Column 2, lines 14-17).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention to combine the teachings of Moor in view of Nitz, where virtual machine may select which task is to receive its intended event, with the specifics of the task has to be a foreground task, as taught by Gershman, such that in the case that an event is for a foreground task, this task may be properly selected by the virtual machine

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to receive the event, because it allows the interaction with a user for performing various tasks.

20. As per claims 9 and 17, Moor teaches wherein said selected task is a Java compliant MIDlet (Moor: Column 1, lines 28-29). Moor in view of Nitz further in view of Gershman teaches wherein said selection comprises: selecting a foreground task when said selection is made (Gershman: Column 2, lines 14-17).

21. As per claims 10 and 15, Gershman teaches wherein said selecting said foreground tasks comprises: selecting a task that is displayed for the user (Fig 19, units 1900, 1997; Column 2, lines 56-57; Column 4, lines 35-37).

22. As per claims 11 and 16, Gershman teaches wherein said first platform includes a mobile device (Column 1, lines 20-25).

23. As per claim 18, Moor in view of Nitz substantially teaches a method of processing platform-specific events by a virtual machine that operates on a first platform, wherein said virtual machine concurrently supports a first and a second task on said first platform, said method comprising: receiving, by a virtual machine, a

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platform-specific event that is associated with a first platform; determining, by said virtual machine, which one of said first and second tasks is to receive the event, and processing, by the selected task, said platform-specific event (Please see claim 1 rejection).

Gershman teaches the specifics of the task selected has to be a foreground task and determine which one of said first and second tasks is the task displayed (Fig 19, units 1900, 1997; Column 2, lines 56-57; Column 4, lines 35-37).

24. As per claim 19, Gershman teaches wherein said virtual machine operates on a mobile device and wherein the task is a foreground task (Column 2, lines 14-17). Moor teaches wherein the task is a Java complaint MIDlet (Column 1, lines 28-29).

Response to Arguments

25. Applicant's arguments with respect to claims 1-6, 8-20, 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MENGYAO ZHE whose telephone number is (571)272-

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6946. The examiner can normally be reached on Monday Through Friday, 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN H NGUYEN/
Primary Examiner, Art Unit 2194